

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: MCKEE NO. 126

DATE: September 15, 2004

Approved

Date

9/20/04

COUNCIL DISTRICT: 4

RECOMMENDATION

It is recommended that the City Council adopt a resolution ordering the reorganization of territory designated as McKee No. 126 which involves the annexation to the City of San Jose of 15.32 gross acres of land located at the on the west side of North Capitol Avenue, opposite Penitencia Creek Road and adjacent to the City of San Jose annexations McKee Nos. 12, 54, 98 and Berryessa No.65 and the detachment of the same from Central Fire Protection, Area No.01 (Library Services) County Services.

BACKGROUND

This annexation request is related to a recently considered Planned Development Prezoning (PDC04-017) associated with the Yoneda project. On September 7, 2004 the City Council adopted Zoning Ordinance 27244 which prezoned the subject properties as follows: (see table below)

Property Ownership	Prezoning Designations	Parcel Numbers (APN)	Acreage
Lands of Yoneda	A(PD) Planned Development District	254-29-012 (portion)	5.1
Lands of Yoneda	R-M Multiple Residence District	254-29-012 (portion)	4.2
Lands of Chelstowski	R-M Multiple Residence District	254-29-020	0.46
Lands of S C County	A- Agriculture	254-29-013	1.76
Lands of SCVWD	A - Agriculture	254-29-014	3.30
Lands of VTA	R-M Multiple Residence District	NONE	0.5

ANALYSIS

The four parcels and the narrow piece of territory (VTA) constitute an "unincorporated pocket" within the City of San Jose. The "pocket" is located at the west side of North Capitol Avenue, opposite Penitencia Creek Road. The annexation process for the proposed development provides an opportunity to eliminate an unincorporated pocket in San Jose by annexing the Lands of the County, SCVWD, VTA, Anna Chelstowski and Charles G. Yoneda.

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The proposed reorganization and annexation of the subject site conforms to the City's General Plan and Santa Clara County LAFCO policies in that existing and future urban development should take place within cities.

The reorganization is defined as 100 percent consent, since all of the property owners of the parcels signed the annexation petition. The site consists of a discreet 15.32 acres of developed parcels. The Registrar of Voters has certified that there are two registered voters in the affected area of the reorganization.

Proceedings are being conducted under provisions of the California Government Code Section 56826, which grants the City conducting authority and allows the completion of reorganization in Santa Clara County without Local Agency Formation Commission (LAFCO) approval.

Before approving the reorganization proposal, the City Council is required to make certain findings as listed below. Staff comments follow each finding.

1. The unincorporated territory is within the City's Urban Service Area as adopted by LAFCO. *The site is located within the City's Urban Service Area.*
2. The County Surveyor has determined the boundaries of the proposal to be definite and certain and in compliance with LAFCO Annexation Policies. *The County Surveyor has certified the boundaries of the reorganization.*
3. The proposal does not split lines of assessment or ownership. *All affected parcel(s) are being reorganized in their entirety.*
4. The proposal does not create islands or areas in which it would be difficult to provide municipal services. *No such islands are being created. The completion of reorganization proceedings would result in the elimination of a pocket of unincorporated territory.*
5. The proposal is consistent with the City's adopted General Plan. *The proposed annexation is consistent with the City's adopted policy within the General Plan, as well as LAFCO and the County of Santa Clara policy in that existing and future urban development be located within cities.*
6. The territory is contiguous to existing City limits. *The area proposed to be reorganized is contiguous to the City limits along all sides as shown on the attached map.*
7. The City has complied with all conditions imposed by LAFCO for inclusion of the territory in the City's Urban Service Area. *No such conditions have been imposed.*

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PUBLIC OUTREACH

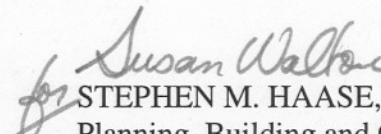
Notices of the public hearings for the rezoning (PDC04-017) were mailed to all property owners and tenants within 1000 feet of the project site. Notice of the public hearings was also published in the newspaper.

COORDINATION

As standard procedure in the development review process, this project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department, Finance Department and the City Attorney.

CEQA

Mitigated Negative Declaration adopted on August 11, 2004. (PDC04-017)


for STEPHEN M. HAASE, DIRECTOR
Planning, Building and Code Enforcement

Attachments: Legal Description and Annexation Map

c: Anna Chelstowski, 907 North Capitol Avenue, San Jose, CA 95133-2702

County of Santa Clara, Parks and Recreation Management, Attn: Edward Boyd, 298 Garden Hill Drive, Los Gatos, CA 95032

Santa Clara Valley Water District, Attn: Samuel Yung, 5750 Almaden Expressway, San Jose CA 95118

Charles G. Yoneda, General Partner, 905 North Capitol Avenue, San Jose CA 95133

Santa Clara Valley Transportation Authority, 331 North 1st Street Bldg. A, San Jose CA 95134

McKay & Somps, Attn: Sue Dillon, 1955 The Alameda, San Jose CA 95126

SS

15538-0
1/29/04
Rev. 4/24/04
S.D.

“EXHIBIT A”

DESCRIPTION

Annexation to the City of San Jose
McKee No. 126

All that certain real property situate in the County of Santa Clara, State of California, described as follows:

BEGINNING at the Northerly corner of that certain 0.501 Ac \pm gross parcel of land shown on that certain Record of Survey filed for record in Book 478 of Maps at page 10, Santa Clara County Records, said point being in the City limits line of the City of San Jose as established by said City's annexation McKee No. 98; thence from said POINT OF BEGINNING along the Northeasterly line of said 0.501 acre parcel and said City limits line S40°00'53"E 79.91 feet to the point of intersection with the Northwesterly corner of that certain parcel of land conveyed to Santa Clara Valley Transportation Authority by grant deed recorded March 21, 2002 in Document Number 16169467, Santa Clara County Records; thence continuing along said City limits line and the Northeasterly line of said parcel conveyed to Santa Clara Valley Transportation Authority S40°00'53"E 261.67 feet to an angle point in said Northeasterly line; thence continuing along said Northeasterly line and it's Southeasterly prolongation and said City limits line S40°01'22"E 375.85 feet to an angle point; thence continuing along last said City limits line S40°45'49"E 4.13 feet to the point of intersection with the most Northwesterly line of Tract No. 4862, a map of which was filed for record in Book 272 of Maps at pages 1 – 3, Santa Clara County Records, and lying on the City limits line of the City of San Jose as established by said City's annexation McKee No. 54; thence leaving said City limits line of McKee No. 98 along said City limits line of McKee No. 54 and said Northwesterly line of Tract No. 4862 and it's Southwesterly prolongation S40°13'15"W 343.20 feet, more or less; thence leaving said prolongation, continuing along last said City limits line the following courses: S53°51'W 257.40 feet; S19°50'W 96.03 feet; S17°55'E 189.42 feet; S18°40'W 117.15 feet; and S58°10'W 39.67 feet, more or less, to the point of intersection with the Northeasterly line of Parcel 36737-1 as shown on the State of California Right-of-Way Record Map Drawings Numbers R-135.16 and R-135.15, and being on the City limits line of the City of San Jose as established by said City's annexation Berryessa No. 65; thence leaving said City limits line of McKee No. 54 along said Northeasterly line of Parcel 36737-1 and said City limits line of Berryessa No. 65 the following courses: N37°58'38"W 278.94 feet, more or less; N33°25'21"W 439.87 feet; from a tangent bearing of N36°56'50"W along a curve to the left with a radius of 2063.00 feet through a central angle of 2°59'25" for an arc length of 107.67 feet; and N39°56'15"W 207.39 feet to the point of intersection with the above said City limits line as established by said annexation McKee No. 98; thence leaving said Northeasterly line of Parcel 36737-1 and said City limits line of Berryessa No. 65 along said annexation McKee No. 98 N49°14'37"E 825.00 feet to the POINT OF BEGINNING.

Prepared by the firm of
MACKAY & SOMPS
San Jose, California

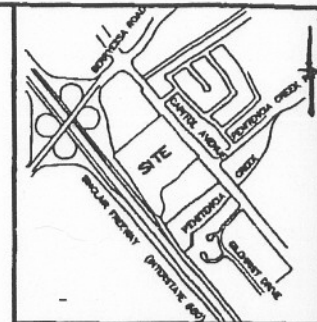
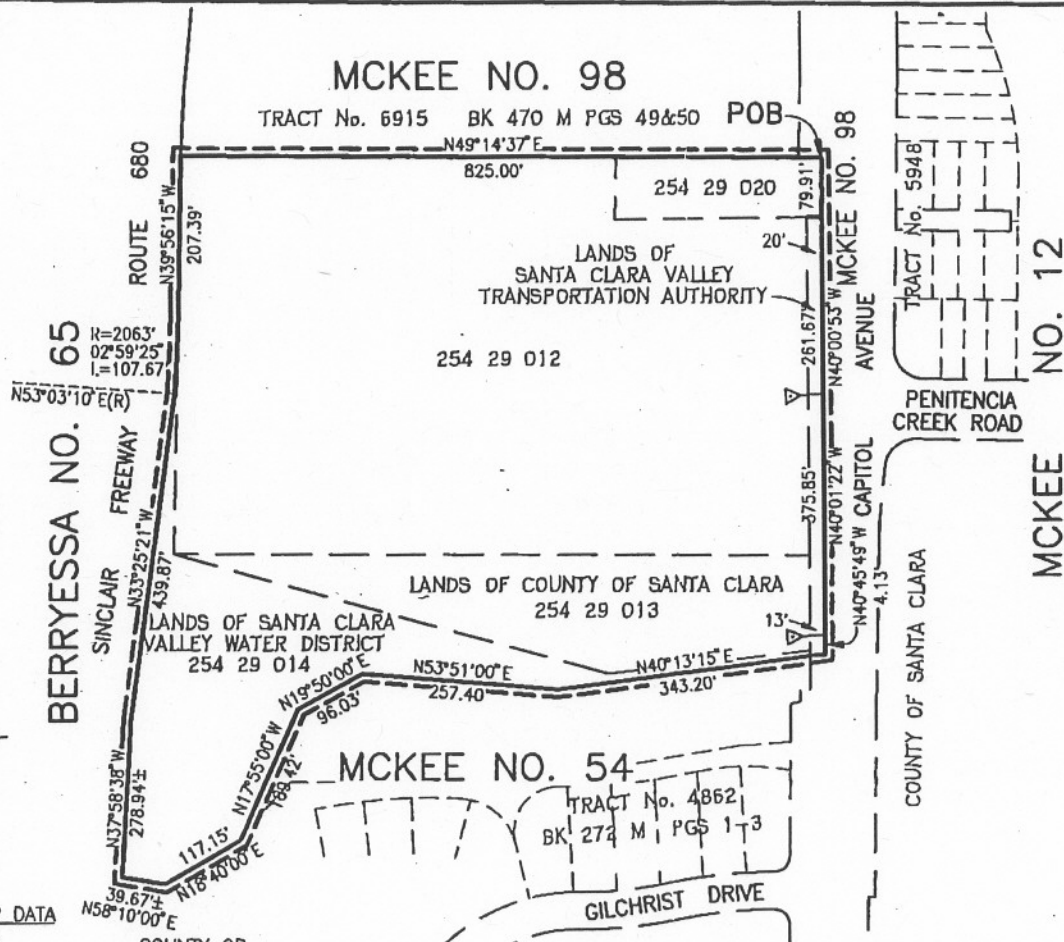


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OWNERSHIP DATA

APN	OWNER	COUNTY OR
254 29 012	YONEDA	M325 OR 646
254 29 013	COUNTY OF SANTA CLARA	M311 OR 282
254 29 014	SANTA CLARA VALLEY WATER DISTRICT	M311 OR 282
254 29 020	ANNA CHELSTOWSKI	M311 OR 282
NONE	SANTA CLARA VALLEY TRANSPORTATION AUTHORITY	DOC #16169467



LOCATION MAP
NTS

0 100 200 400

SCALE: 1"=200'

ANNEXATION BOUNDARY LIN
SAN JOSE CITY LIMITS

**EXHIBIT B
PROPOSED ANNEXATION
TO CITY OF SAN JOSE
ENTITLED
MCKEE NO. 126**

DATE: 02-04	SCALE: 1"=200'
BY: JM/SD	MACKAY & SOMPS
REV: 4/24/04	

JOB NO. 15538-0

MCKEE NO. 126
15.32 ACRES ±
DISTRICT 4 QUAD. 52